

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl.Rev. No.2071 of 2006

Date of Decision:- 22.1.2007

Gurbax Singh & anr.

....Petitioner(s)

through
Mr.H.S.Rakhra, Advocate

vs.

State of Punjab

....Respondent(s)

through
Ms.Neelofer A.Parveen, AAG, Punjab.

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

SURYA KANT, J.

This revision petition is directed against the judgment and order dated 18.9.2006 passed by the Additional Sessions Judge (Ad hoc), Fast Track Court, Bathinda whereby the conviction and sentence awarded to petitioner No.1 under Sections 420/468/471/120-B IPC was upheld and he was directed to undergo rigorous imprisonments of different durations but maximum of 3 years and all the sentences were directed to run concurrently and in the case of petitioner No.2, though the conviction was upheld, however, her sentence was reduced to six months rigorous imprisonment along with a fine of Rs.1,000/- each under Sections 420/468/471 and 120-B IPC though the sentences were directed to run concurrently.

On October 12, 2006 when the revision petition was taken up for preliminary hearing, learned counsel for the petitioners did not challenge the conviction and fine and his arguments were confined only with regard to quantum of sentence. Accordingly, notice was issued to the respondents qua quantum of sentence only.

Learned counsel for the petitioners as well as learned State

counsel have been heard.

As per the allegations of the prosecution which stand accepted by both the Courts below, the petitioners have been found guilty of forging the revenue record and thereafter cheating the bank authorities by securing loan on the basis of those forged documents.

Having regard to the total sentence awardable for the offences committed by petitioner No.1, no exception can be taken to the quantum of sentence ordered by the Courts below and rather, he appears to have been dealt with leniently. Consequently, this revision petition qua petitioner No.1 is dismissed.

So far as petitioner No.2 is concerned, having regard to the fact that she is the wife of petitioner No.1 and apparently committed the offence under the influence and/or dictates of her husband, I am inclined to take a lenient view. It may also be mentioned that out of the total sentence of six months rigorous imprisonment awarded to her by the Appellate Court, petitioner No.2 has already undergone about four months of actual sentence. Consequently, this petition qua her is accepted and the sentence awarded to her by the learned Additional Sessions Judge (Ad hoc) Fast Track Court, Bathinda vide his impugned judgment and order dated 18.9.2006 is modified and reduced to the extent of sentence already undergone by her.

Consequently and for the reasons afore-stated, this revision petition is partly accepted and petitioner No.2 is directed to be released forthwith, unless required to be retained in custody in some other criminal case.

January 22, 2007
poonam

(SURYA KANT)
JUDGE